

Timothy Hiller

From: Ken Hiller <khiller@kennethhiller.com>
Sent: Wednesday, September 2, 2015 1:49 PM
To: 'Wortman, Scott E.'; brian@bromberglawoffice.com; jonathanmiller314@gmail.com; sandrews@kennethhiller.com; thiller@kennethhiller.com
Cc: 'Peltz, Adam'
Subject: RE: McCrobie v. Palisades Acquisition XVI, LLC et al (15-cv-00018-JTC) - Request for Missing Documents
Attachments: redlined changes per wortman request.pdf

Dear Mr. Wortman:

Here is the redlined copy version of the second amended complaint you have requested. Your other questions have already been answered.

Kenneth Hiller, Esq.
Law Offices of Kenneth Hiller PLLC
6000 North Bailey Avenue, Ste. 1A
Amherst, NY 14226
716-564-3288

From: Wortman, Scott E. [mailto:swortman@wbcsk.com]
Sent: Wednesday, September 02, 2015 1:24 PM
To: Ken Hiller <khiller@kennethhiller.com>; brian@bromberglawoffice.com; jonathanmiller314@gmail.com; sandrews@kennethhiller.com; thiller@kennethhiller.com
Cc: Peltz, Adam <apeltz@wbcsk.com>
Subject: RE: McCrobie v. Palisades Acquisition XVI, LLC et al (15-cv-00018-JTC) - Request for Missing Documents

So to confirm:

- (1) You do not intend on supplementing the filing with (A) a cover page to the motion; (B) a table of contents or (C) a table of authorities.
- (2) You have not and do not intend on submitting a courtesy copy of the motion... that is, unless expressly requested by the Court (notwithstanding the Court's rules).

With regards to your proposed SAC, will you provide a redlined version? While you may not find it helpful, it is quite difficult for defendants to have full awareness of all the modifications without a redlined version. I trust you prepared the proposed SAC using Microsoft Word or some other word processing program that has track changes or other basic redlining applications. Please provide a timeline as to when we should expect the redlined version.

Also, I'm only raising the deficiencies in your notice of motion so that I know to whom it is addressed and to what plaintiff is relying on in support of their motion. Do you plan on supplementing the notice of motion?

Thank you again for your cooperation.

Scott



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Warshaw Burstein represents clients in the tri-state area of New York, New Jersey and Connecticut, across the United States and around the world.

From: Ken Hiller [<mailto:khiller@kennethhiller.com>]
Sent: Wednesday, September 02, 2015 1:05 PM
To: Wortman, Scott E. <swortman@wbcsk.com>; brian@bromberglawoffice.com; jonathanmiller314@gmail.com; sandrews@kennethhiller.com; thiller@kennethhiller.com
Cc: Peltz, Adam <apeltz@wbcsk.com>
Subject: RE: McCrobie v. Palisades Acquisition XVI, LLC et al (15-cv-00018-JTC) - Request for Missing Documents

Dear Mr. Wortman:

I think the motion is self-explanatory. It is a motion to the Court for an order permitting amendment of the complaint. The local rules do not require a cover page, a table of contents, a table of authorities, or a courtesy copy. Although Judge Curtin's chambers rules state they would like a courtesy copy of the motion papers, in numerous dealings before him in the past we have not done so, and his chambers have never requested such a copy. Based on that history, we did not provide a courtesy copy. If he requests such a copy, we will, of course, accommodate him.

As noted in Timothy Hiller's affirmation, we did not provide a redlined copy because it was really an entire overhaul of the complaint and we did not think it would be helpful.

I hope this addresses your questions.

Kenneth Hiller, Esq.
Law Offices of Kenneth Hiller PLLC
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Amherst, NY 14226
716-564-3288

From: Wortman, Scott E. [<mailto:swortman@wbcsk.com>]
Sent: Wednesday, September 02, 2015 12:52 PM
To: brian@bromberglawoffice.com; jonathanmiller314@gmail.com; khiller@kennethhiller.com; sandrews@kennethhiller.com; thiller@kennethhiller.com
Cc: Peltz, Adam <apeltz@wbcsk.com>
Subject: McCrobie v. Palisades Acquisition XVI, LLC et al (15-cv-00018-JTC) - Request for Missing Documents

Dear Counsel,

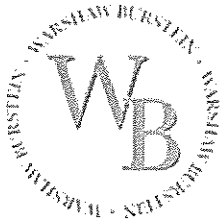
At your earliest convenience, please provide the following information that appears to be missing from the motion to amend. If I overlooked something, please let me know.

- (1) Cover page
- (2) Table of contents
- (3) Table of authorities
- (4) To whom the notice of motion is addressed? Also, whether you are planning on relying on any item other than the affirmation of Timothy Hiller in support of your motion?
- (5) A Redlined copy of the proposed SAC.
- (6) A copy of the cover letter to the court containing the court's Courtesy Copy of the motion to amend. Otherwise, a confirmation that either no Courtesy Copy was sent or that no cover letter or other ex parte communication was used to address the court in this regard.

Thank you for your anticipated cooperation.

Sincerely yours,

Scott



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